[18th August 1961

Appendix VIII.

[*Vide.*—item (4), presntation of report on p. 45 supra.]

REPORT OF THE SELECT COMMITTEE ON THE MADRAS IRRIGATION CESS (AMENDMENT) BILL, 1961 (L.A. BILL No. 17 OF 1961).

To

The Honourable the LEGISLATIVE ASSEMBLY,
Madras.

The Select Committee appointed to consider the Madras Irrigation Cess (Amendment) Bill, 1961 (L.A. Bill No. 17 of 1961), has the honour to make the following report.

2. The Bill was published in English in an Extraordinary issue of the *Fort St. George Gazette*, Part IV—Section 3, dated 22nd March 1961, and in Tamil on the 29th March 1961.

3. The Committee was appointed by a resolution of the Assembly, dated the 28th March 1961.

4. The Committee met in the Committee Room, Legislators' Hostel (Old), Government Estate, Mount Road, Madras, on the 3rd and 4th August 1961. On the 3rd August 1961 it adjourned after passing a condolence resolution on the demise of Hon. Dr. U. Krishna Rau, Speaker of the Legislative Assembly, that day.

5. The Committee has subjected the provisions of the Bill to a thorough scrutiny and decided that the terms "made available" occurring in the Bill may be clarified in the rules to be framed under the principal Act. The Committee considers that no change in the Bill is called for.

6. The Committee decided that the Bill need not be republished.

7. A copy of the Bill as approved by the Committee is annexed to the Report.

Madras-9,
7*th August* 1961.

M. A. MANICKAVELU,
Chairman.

Annexure.

(*Vide* paragraph 7 of the Report.).

[*Note.*—No changes were made by the Select Committee.]

L.A. BILL No. 17 OF 1961.

A Bill further to amend the Madras Irrigation Cess Act, 1865.

Whereas it is expedient further to amend the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865), for the purposes hereinafter appearing;

TRUTH ALONE TRIUMPHS

18 th August 1961]

Be it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Irrigation Cess (Amendment) Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section* 1, *Madras Act VII of* 1865.—In section 1 of the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865), hereinafter referred to as the principal Act.—

(*a*) in sub-section (1), the words " and the State Government may prescribe the rules under which, and the rates at which such water-cess shall be levied, and alter or amend the same from time to time " shall be omitted;

(*b*) sub-section (2) shall be renumbered as sub-section (5), and before the sub-section as so renumbered, the following sub-sections shall be inserted, namely :—

" (2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the State Government before the end of the revenue year succeeding that in which water is made available for irrigation, to levy water-cess on all lands in the ayacut of any irrigation project notified by the State Government in this behalf, being lands for which water is made available for irrigation from such project, whether or not the water so made available is utilised for irrigating such lands.

(3) The State Government may, after previous publication, make rules prescribing the rate or rates at which the water-cess under sub-sections (1) and (2) shall be levied and may from time to time alter or amend the same.

(4) In prescribing the rate or rates of water-cess leviable under sub-sections (1) and (2), the State Government shall take into consideration any one or more of the following matters, namely :—

(*a*) the area irrigated;

(*b*) the classification of the soil;

(*c*) the quantity of water supplied;

(*d*) the nature of crop raised; and

(*e*) the cost of maintenance and working charges of any work belonging to or constructed by or on behalf of the Government and from which water is supplied.";

(*c*) in sub-section (5) as renumbered, for the words " for the water supplied or used for the irrigation of land ", the words " for the water supplied, used or made available for the irrigation of land " shall be substituted.

[18th August 1961

3. *Amendment of section 1-A, Madras Act VII of 1865.*—In sub-section (1) of section 1-A of the principal Act, for the words "In respect of water supplied or used for the irrigation of land", the words "In respect of water supplied, used or made available for the irrigation of land" shall be substituted.

4. *Substitution of new section for section 1-B, Madras Act VII of 1865.*—For section 1-B of the principal Act, the following section shall be substitute, namely :—

"1-*B*. *Rules to be placed before the State Legislature.*—(1) All rules made under this Act shall be published in the *Fort St. George Gazette*, and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

5. *Repeal of Madras Act V of 1900.*—The Madras Irrigation Cess (Amendment) Act, 1900 (Madras Act V of 1900), is hereby repealed.

T. HANUMANTHAPPA,
Secretary.

LIBRARY
14 MAR 1962
STATE LEGISLATURE, MADRAS